

FILED
MISSOULA, MT
2006 OCT 2 PM 1 54
PATRICK E. DUFFY
BY _____
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALAN K. PETERSON,)	CV 04-157-M-DWM
)	
Petitioner,)	
)	
vs.)	ORDER
)	
STATE OF MONTANA,)	
TWENTY FIRST JUDICIAL DISTRICT)	
HON. JUDGE JEFFREY H. LANGTON,)	
MIKE MAHONEY, AND THE ATTORNEY)	
GENERAL OF THE STATE OF MONTANA,)	
)	
Respondents.)	
_____)	

United States Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 31, 2006. Petitioner did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

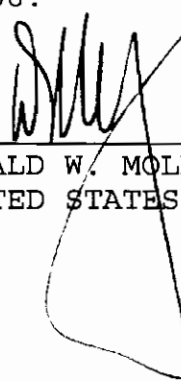
Judge Lynch concluded that Peterson's Amended Petition

should be Dismissed Without Prejudice pursuant to D. Mont. L.R.
5.4.

I find no clear error in Judge Lynch's Findings and
Recommendation (dkt #20) and I adopt them in full.

IT IS HEREBY ORDERED that Petitioner's Amended Petition is
DISMISSED WITHOUT PREJUDICE pursuant to D. Mont. L.R. 5.4.

DATED this 2nd day of October, 2006.



DONALD W. MOLLOY, CHIEF JUDGE
UNITED STATES DISTRICT COURT